



General Assembly

January Session, 2005

Committee Bill No. 5701

LCO No. 3308

03308HB05701HS_

Referred to Committee on Human Services

Introduced by:
(HS)

***AN ACT CONCERNING BURIAL EXPENSES PAID BY THE
DEPARTMENT OF SOCIAL SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-84 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 Upon the death of any beneficiary, under the state supplement,
4 state-administered general assistance or the temporary family
5 assistance program the [commissioner] Commissioner of Social
6 Services shall order the payment of a sum not to exceed [one thousand
7 dollars for the fiscal year ending June 30, 1987, one thousand one
8 hundred dollars for the fiscal year ending June 30, 1988, and one
9 thousand two hundred dollars for the fiscal year ending June 30, 1989,
10 and subsequent fiscal years,] three thousand dollars as an allowance
11 toward the funeral and burial expenses of such deceased. The payment
12 for funeral and burial expenses shall be reduced by the amount in any
13 revocable or irrevocable funeral fund, prepaid funeral contract or the
14 face value of any life insurance policy owned by the recipient. The
15 commissioner, in calculating the allowance for funeral and burial
16 expenses of the deceased, shall exclude liquid assets of the deceased in

17 an amount not to exceed the current asset limits used when making
18 eligibility determinations for the particular program in which the
19 deceased was enrolled. Contributions may be made by any person for
20 the cost of the funeral and burial expenses of the deceased over and
21 above the sum established under this section without thereby
22 diminishing the state's obligation.

23 Sec. 2. Section 17b-131 of the general statutes is repealed and the
24 following is substituted in lieu thereof (*Effective July 1, 2005*):

25 When a person in any town, or sent from such town to any licensed
26 institution or state humane institution, dies or is found dead therein
27 and does not leave sufficient estate or has no legally liable relative able
28 to pay the cost of a proper funeral and burial, the Commissioner of
29 Social Services shall give to such person a proper funeral and burial,
30 and shall pay a sum not exceeding [twelve hundred] three thousand
31 dollars as an allowance toward the funeral expenses of such deceased,
32 said sum to be paid, upon submission of a proper bill, to the funeral
33 director, cemetery or crematory, as the case may be. Such payment for
34 funeral and burial expenses shall be reduced by (1) the amount in any
35 revocable or irrevocable funeral fund, (2) any prepaid funeral contract,
36 (3) the face value of any life insurance policy owned by the decedent,
37 and (4) contributions in excess of two thousand eight hundred dollars
38 toward such funeral and burial expenses from all other sources
39 including friends, relatives and all other persons, organizations,
40 veterans and other benefit programs and other agencies.

41 Sec. 3. Section 17b-95 of the general statutes is repealed and the
42 following is substituted in lieu thereof (*Effective July 1, 2005*):

43 (a) Subject to the provisions of subsection (b) of this section, upon
44 the death of a parent of a child who has, at any time, been a beneficiary
45 under the program of aid to families with dependent children, the
46 temporary family assistance program or the state-administered general
47 assistance program, or upon the death of any person who has at any
48 time been a beneficiary of aid under the state supplement program,

49 medical assistance program, aid to families with dependent children
50 program, temporary family assistance program or state-administered
51 general assistance program, except as provided in subsection (b) of
52 section 17b-93, the state shall have a claim against such parent's or
53 person's estate for all amounts paid on behalf of each such child or for
54 the support of either parent or such child or such person under the
55 state supplement program, medical assistance program, aid to families
56 with dependent children program, temporary family assistance
57 program or state-administered general assistance program for which
58 the state has not been reimbursed, to the extent that the amount which
59 the surviving spouse, parent or dependent children of the decedent
60 would otherwise take from such estate is not needed for their support.

61 (b) (1) In the case of any person dying after October 1, 1959, the
62 claim for medical payments, even though such payments were made
63 prior thereto, shall be restricted to medical disbursements actually
64 made for care of such deceased beneficiary.

65 (2) In the case of any person dying on or after July, 1, 2005, who at
66 the time of death was a recipient of state supplement, temporary
67 family assistance or state-administered general assistance benefits and
68 who was provided burial and funeral assistance pursuant to section
69 17b-84, as amended by this act, the liquid assets of any such person
70 shall be secure against a claim from the state in an amount not to
71 exceed the current asset limits used by the Department of Social
72 Services when making eligibility determinations for such programs.

73 (c) Claims pursuant to this section shall have priority over all
74 unsecured claims against such estate, except (1) expenses of last
75 sickness not to exceed three hundred seventy-five dollars, (2) funeral
76 and burial expenses in accordance with section 17b-84, as amended by
77 this act, and (3) administrative expenses, including probate fees and
78 taxes, and including fiduciary fees not exceeding the following
79 commissions on the value of the whole estates accounted for by such
80 fiduciaries: On the first two thousand dollars or portion thereof, five

81 per cent; on the next eight thousand dollars or portion thereof, four per
 82 cent; on the excess over ten thousand dollars, three per cent. Upon
 83 petition by any fiduciary, the Probate Court, after a hearing thereon,
 84 may authorize compensation in excess of the above schedule for
 85 extraordinary services. Notice of any such petition and hearing shall be
 86 given to the Commissioner of Administrative Services in Hartford at
 87 least ten days in advance of such hearing. The allowable funeral and
 88 burial payment herein shall be reduced by the amount of any prepaid
 89 funeral arrangement. Any amount paid from the estate under this
 90 section to any person which exceeds the limits provided herein shall be
 91 repaid to the estate by such person, and such amount may be
 92 recovered in a civil action with interest at six per cent from the date of
 93 demand.

94 (d) For purposes of this section, all sums due on or after July 1, 2003,
 95 to any individual after the death of a public assistance beneficiary
 96 pursuant to the terms of an annuity contract purchased at any time
 97 with assets of a public assistance beneficiary, shall be deemed to be
 98 part of the estate of the deceased beneficiary and shall be payable to
 99 the state by the recipient of such annuity payments to the extent
 100 necessary to achieve full reimbursement of any public assistance
 101 benefits paid to, or on behalf of, the deceased beneficiary irrespective
 102 of any provision of law. The recipient of beneficiary payments from
 103 any such annuity contract shall be solely liable to the state of
 104 Connecticut for reimbursement of public assistance benefits paid to, or
 105 on behalf of, the deceased beneficiary to the extent of any payments
 106 received by such recipient pursuant to the annuity contract.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2005</i>	17b-84
Sec. 2	<i>July 1, 2005</i>	17b-131
Sec. 3	<i>July 1, 2005</i>	17b-95

Statement of Purpose:

To require the Commissioner of Social Services to increase the burial expense allowance and to increase assets exclusions utilized in making determinations concerning the payment of burial expenses.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. MARTINEZ, 128th Dist.; REP. GREEN, 1st Dist.
REP. KIRKLEY-BEY, 5th Dist.

H.B. 5701, 5210